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10/590,564

05/07/2007

Dirk Salmon

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EXAMINER

COOLMAN, VAUGHN

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

11/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/590,564 | Applicant(s) SALMON, DIRK | |
| | Examiner VAUGHN T. COOLMAN | Art Unit 3618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara et al (U.S. Patent No. 5,746,282) in view of Andreen (WO 95/20514).

[claim 1] Fujiwara discloses a cart (10) including:

a base (1);

at least three wheels (2, 3) mounted to the base;

a structure (FIG 48), arranged over the base, inherently capable of receiving cleaning utensils;

a handle (4); and

at least one electric motor (6a, 6b) functionally linked to a transmission (“associated gear train” not shown) and acting upon at least one of the wheels, the motor being arranged on the underside of the base.

Fujiwara discloses all of the elements of the claimed invention as described above except for explicitly disclosing an accumulator arrangement mounted on the underside of the base.

Andreen teaches an accumulator arrangement (21-23) mounted on the underside of a base of a cart. It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to modify the apparatus shown by Fujiwara with the accumulator arrangement of Andreen as a power source for the electric motors of Fujiwara (needed for operation).

[claim 3] Andreen further teaches a control arrangement (20) connected to the at least one electric motor and the accumulator arrangement is provided therein, which includes an operating device (19) proximate to the handle (4).

[claim 4] Fujiwara further shows at least three wheels comprises four wheels arranged under the base, with two wheels being fixed and two wheels being steerable.

[claim 5] Fujiwara further shows the fixed wheels are arranged approximately at a center of the cart in the region of side edges of the base and one movable wheel is arranged centrally in each of a front edge region and a rear edge region of the base when seen in the driving direction.

[claim 6] Fujiwara further shows the at least one electric motor comprises two electric motors, each functionally linked with a fixed wheel via a transmission, and each arranged approximately at the center of the base.

[claim 7] Fujiwara further discloses at least one electric motor, being arranged approximately at a center of the base, and wherein the motor is functionally linked to the fixed wheels via a transmission having differential.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Andreen and further in view of Andes (U.S. Patent No. 6,443,252 B1).

[claim 8] Fujiwara in view of Andreen discloses all of the elements of the claimed invention as described above except for a joystick proximate the hand grip (4). Andes teaches an electric cart (10) including a hand grip (24) and a joystick (34) proximate the hand grip. It would

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have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Fujiwara with the joystick and hand grip configuration as taught by Andes in order to provide the advantage of separate controls for manual and powered movement of the cart.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Andreen and further in view of Salmon (DE 100 10 852 A1).

[claim 9] Fujiwara in view of Andreen discloses all of the elements of the claimed invention as described above except for a docking rail. Salmon teaches (FIGS 3 and 10) a docking rail (transverse rail adjacent the operator stand) arranged in a marginal region of the base. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Fujiwara with the docking rail as taught by Salmon in order to provide the advantage of connecting more than one cart together for increased efficiency as shown in FIG 10 of Salmon.

[claim 10] Fujiwara in view of Andreen discloses all of the elements of the claimed invention as described above except for a stand for an operator. Salmon teaches a cart including a stand for an operator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Fujiwara with the operator stand of Salmon in order to provide the advantage of decreased operator fatigue.

[claim 11] Examiner notes that the integration of the stand into the base would have been obvious to one of ordinary skill in the art at the time the invention was made. Integrating the platform would result in a stronger and more durable base for the cart.

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[claim 12] Salmon further teaches the stand including a standing platform having wheels (14) and being attachable to a base of the cart.

Response to Arguments

Applicant's arguments filed 07/22/2009 have been fully considered but they are not persuasive.

Regarding applicant's arguments against Andreen showing "an accumulator arrangement mounted on an underside of the base", Examiner notes that Andreen states "the chassis 13", or base, carries the wheels and shows in FIG 3 the "chargeable battery 21", or accumulator, being mounted on an underside of the chassis 13. The chassis is shown in a section view and appears to be substantially similar to the chassis of Fujiwara. Furthermore, Merriam-Webster's Online dictionary defines "on" as an adverb (i.e. 'mounted on') describing "in or into a position of being attached or covering a surface". As such, the battery 21 of Andreen indeed covers the underside of the base.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAUGHN T. COOLMAN whose telephone number is (571)272-6014. The examiner can normally be reached on Monday thru Friday, 10am-8pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VAUGHN T COOLMAN
Examiner
Art Unit 3618

/V. T. C./
Examiner, Art Unit 3618

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/Paul N. Dickson/

Supervisory Patent Examiner, Art Unit 3616